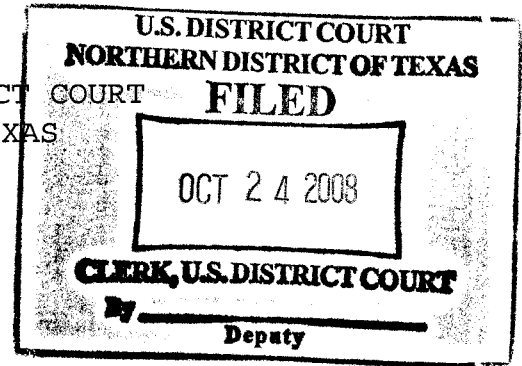


IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



ROBERT WALTER SERVIS, JR.,	§	
	§	
Petitioner,	§	
	§	
VS.	§	NO. 4:07-CV-462-A
	§	
NATHANIEL QUARTERMAN, Director,	§	
Texas Department of Criminal	§	
Justice-Correctional	§	
Institutions Division,	§	
	§	
Respondent.	§	

O R D E R

Came on for consideration the above-captioned action wherein Robert Walter Servis, Jr., is petitioner and Nathaniel Quarterman, Director, Texas Department of Criminal Justice-Correctional Institutions Division, is respondent. This is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On September 29, 2008, the United States Magistrate Judge issued his proposed findings, conclusions, and recommendation ("FC&R"), and ordered that the parties file objections, if any, thereto by October 20, 2008. On October 21, 2008, petitioner filed his written objections. Respondent has not made any further response. The court is not obligated to address nonspecific, frivolous, or conclusory objections. Battle

v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

Rather than to make meaningful objections to the FC&R, Petitioner starts with the following frivolous general objection:

The Petitioner generally OBJECTS to each page, paragraph, sentence and word within the FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE AND NOTICE AND ORDER - ("The F.C.R.," herein, hereinafter) - unless, and only unless it is somehow founded upon fact or pertinent case precedence, which the Petitioner most respectfully contends, that it does not.

Objection at 1-2. Then, Petitioner makes what he represents to be specific objections to the FC&R, but, rather, are simply argumentative, conclusory statements that the magistrate judge failed to attach the significance to certain evidentiary matters that Petitioner contends would be appropriate. In the final analysis, Petitioner's objections amount to no more than a personal attack on the magistrate judge, as evidenced by the following language found under the heading "Conclusion":

It is no wonder that the F.C.R. also justified not holding an evidentiary hearing within this case. Because, if it were to do so, then it would be forced to address the Petitioner's undisputed, prima facie evidence, and that would then lead to the Petitioner's gaining habeas corpus relief. God forbid; that would then hurt Tim Curry's office. People would talk at the next Bass Performance Hall attendance. No, the F.C.R. makes it real clear where and to whom the magistrate judge in this case gave his sworn oath to, not to the

U.S. Constitution, Article VI, Clause 3, but to Tim Curry and company. A true miscarriage of justice is presented within this case, however, political correctness has neutered the magistrate judge[']s constitutional duty to correct it. The Petitioner OBJECTS.

Id. at 5.¹

After having considered pertinent parts of the record, the court is satisfied, and concludes, that none of Petitioner's objections has merit. Therefore, his objections are being overruled, the court is accepting the FC&R and ordering that the petition be denied.

Petitioner requests in the alternative a certificate of appealability. For the reasons stated herein and in the FC&R, Petitioner has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(8). Therefore, Petitioner's alternative request for certificate of appealability is being denied. Therefore,

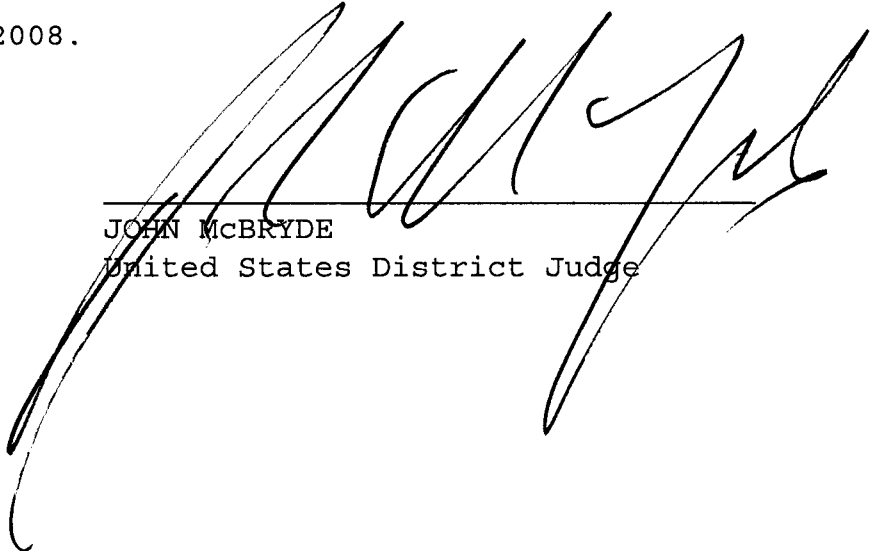
The court accepts the findings, conclusions and recommendation of the magistrate judge and hereby ORDERS that the

¹The "Tim Curry" mentioned in the quoted language is the District Attorney for Tarrant County, Texas, whose office prosecuted Petitioner. The "Bass Performance Hall" mentioned is a performing arts facility in Fort Worth, Texas, where operas, symphonies, and other artistic performances occur.

relief sought by the petition in this action be, and is hereby,
denied.

The court further ORDERS that Petitioner's request for
certificate of appealability be, and is hereby, denied.

SIGNED October 24, 2008.



JOHN MCBRYDE
United States District Judge